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WP No. 11835 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-09-2025**

CORAM

**THE HONOURABLE MR.JUSTICE T. VINOD KUMAR**

**WP No. 11835 of 2019 &**

**WMP.No.12045 of 2019**

M. Deiva Ganesan

..... Petitioner(s)

Vs

The Commissioner of Police,  
Greater Chennai Police,  
Vepery, Chennai 600 007.

..... Respondent(s)

**PRAYER:** Writ Petition filed under Art. 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records relating to the proceedings in PR.No.130/PR v(2)/2018 u/r 3(b) dated 28.03.2019 on the file of the respondent and quash the same.

For Petitioner(s) : Mr. Soundararajan M.S

For Respondent(s): M/s.V.Yamunadevi  
Spl. Govt. Pleader



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**ORDER**

Heard the learned counsel for the petitioner and the learned Special Govt.

Pleader appearing for the respondent and perused the records.

2. The petitioner, by the present writ petition has laid a challenge to the show cause notice dated 28.03.2019 issued by the 1<sup>st</sup> respondent proposing to revise the order dated 14.08.2018 passed by the Deputy Commissioner of Police, Armed Reserve-II, St. Thomas Mount, Greater Chennai Police in Tho.Ko.No.:130/Tha.P.5(2)/2018 u/r.3(b), whereby, the said authority has visited the petitioner with the punishment of postponing next pay increment for a period of three years with cumulative effect, and in its place seeking to impose penalty as specified in Rule 2(1)(i) of Tamil Nadu Police Subordinate Services (Discipline and Appeals) Rules, 1955, viz.,[hereinafter referred to as 'Rules'] of removal from civil services of the State Government which disqualifies from future employment.

3. The petitioner contends that the respondent sought to review the final



order passed by the Deputy Commissioner of Police by exercising review powers conferred on him under Rule 15 A (1)(iii) of Rules without adhering to the time limit prescribed in the said Rule.

4. It is the further contention of the petitioner that since, the respondent seeks to revise/review the final order passed by the Deputy Commissioner of Police exercising powers conferred on him under Rule 15A (1)(iii) of the Rules, the said power can only be exercised within six months from the date of the order sought to be reviewed and in as much as, the said order has been passed on 14.08.2018, the impugned show cause notice dated 28.03.2019 is clearly barred by limitation prescribed under Rule 15A (1)(iii) of the Rules.

5. On behalf of the petitioner, it is further contended that a Coordinate Bench of this Court in W.P.No.3034 of 1981, by its order dated 17.01.1983 had an occasion to consider the aforesaid Rule, wherein, it was held that Rule 15A does not permit the Appellate Authority to exercise the power of review beyond the period of six months as contemplated in Rule 15 A of the Rules.

6. On behalf of the petitioner, it is contended that a Division Bench of



this Court in W.P.No.9394 of 2000 in a challenge made to the order of the tribunal, also took a similar view, wherein, it was held that “Review power has to be exercised within a period of six months from the date of the order and not within six months from the date of knowledge of the order of the Appellate Authority”.

7. It is further contended by the petitioner that against the order of the Deputy Commissioner of Police, the Appellate Authority would be the Commissioner of Police and as such, the said authority can exercise the power of review only within the period of six months and since, the impugned show cause notice is issued beyond a period of six months, the same is to be held to be barred by time as provided under the Rules.

8. A counter affidavit on behalf of the respondent is filed.

9. The learned Spl. Govt. Pleader appearing for the respondent would contend that the respondent being the Appellate Authority had taken up *suo motu* review of the punishment awarded by the Deputy Commissioner of Police



by his final order dated 14.08.2018, as the punishment awarded does not commensurate with the nature of the delinquency and had issued the show cause notice.

10. The learned Spl. Govt. Pleader further submitted that though the final order as passed by the Deputy Commissioner is dated 14.08.2018, by which, the petitioner was visited with punishment of postponement of next pay increment, the said order was served on the petitioner on 05.09.2018 and in as much as, no appeal has been preferred there against, the respondent after expiry of appeal time had taken up the said order for review and issued the impugned show cause notice dated 28.03.2019. Thus, it is contended that the show cause notice is well within the limitation. On the basis of the aforesaid submission, the learned Spl. Govt. Pleader seeks for dismissal of the writ petition.

11. I have taken note of the respective contentions.

12. A reading of Rule 15A (1)(iii) makes it clear that the power to review/revision can be exercised by the Appellate Authority within a period of six months. The period of six months as specified in the said Rule of Rules



1955 does not mention as to the said period of six months would start to run

after expiry of the limitation prescribed for filing an appeal as contended by the

respondent. On the other hand, the time limit period of six months would start

to run from the date of passing of the order by the authority, if the said

authority is of the view that the said order needs to be reviewed by enhancing

the punishment awarded.

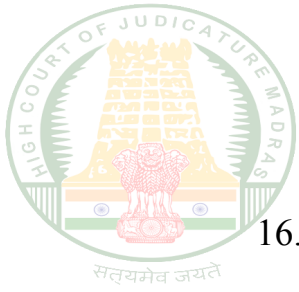
13. In as much as the Rules provide for time period for an appeal as well as revision to run concurrently, it is not open for the respondent to contend that the time limit of six months prescribed under the Rule would start to run only after expiry of the appeal period. The appeal being a remedy available to the delinquent, who has been visited with an order of punishment, the respondent cannot seek to take advantage of the appeal time available to delinquent to assail the order of punishment, to claim that the time limit prescribed under Rule for Revision would start to run only after expiry of the appeal period. Thus, this Court is of the view that the aforesaid stand taken by the respondent is without any merit and is accordingly rejected.



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14. Since, by the impugned show cause notice dated 28.03.2019, the respondent seeks to revise the order dated 14.09.2018 which is beyond the period of six months. The revision, if any, ought to have been initiated on or before 13.02.2019. Admittedly, the impugned show cause notice, by which the respondent seeks to revise the order of the Deputy Commissioner imposing penalty on the petitioner is beyond the period of six months, or limitation prescribed under the Rules and also taking note of the fact that the Rules does not confer any power on the authorities to exercise such review power beyond the time prescribed under Rule 15 A (1)(iii) of the Rules 1955, the impugned show cause notice, as issued by the respondent is clearly barred by time provided under the Rule.

15. Further, a Coordinate Bench of this Court having considered the scope of the said Rule way back in the year 1983 and by a Division Bench of this Court subsequently in the year 2003 by an order dated 20.11.2003, it is not open for the respondent to contend that the limitation of six months prescribed under the Rule 15A (1)(iii) is to be considered from the date of service of the order on the petitioner.



16. In view of the above, since, the respondent had invoked the powers conferred on him under Rule 15 A (i) (iii) of the Rules beyond the time prescribed under the Rules by issuing the impugned show cause notice seeking to revise/review the order dated 14.08.2018 passed by the Deputy Commissioner of Police, this Court is of the view that the said show cause notice cannot be held to be validly issued or the action having been initiated for it to be allowed to validly continue. Accordingly, the writ petition is allowed and the show cause notice dated 28.03.2019 is quashed. There shall be no order as to costs. Consequently, miscellaneous petition, if any, stand closed.

msr

**24-09-2025**

Index: Yes/No

Internet: Yes

To

The Commissioner of Police,  
Greater Chennai Police,  
Vepery, Chennai 600 007.



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**T. VINOD KUMAR, J.**

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